Appendix M   Clean Air Act Exemptions

In general, exempt projects include all projects which have no emissions impact, and are considered to be neutral or de minimis. For projects such as travel demand management strategies for which air quality effects cannot be accurately assessed in a traditional regional modeling context, other accepted methods (reasonable professional practice) of quantifying their effects are encouraged (40 CFR §93.122(a), as amended by 62 FR 43813, Aug. 15, 1997).

Notwithstanding the other requirements of this section, highway and transit projects of the types listed in Figure M-1 are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan/TIP. A particular action of the type listed in Figure M-1 is not exempt if the MPO in consultation with other agencies (see §93.105(c)(I)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project)) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation.

Figure M.1   Exempt Projects

SAFETY	
• Railroad/highway crossing. • Hazard elimination program. • Safer non-Federal aid system roads. • Shoulder improvements. • Increasing sight distance. • Safety improvement program. • Traffic control devices and operating assistance other than signalization projects. • Railroad/highway crossing warning devices. • Guardrails, median barriers, crash cushions. • Pavement resurfacing and/or rehabilitation.	• Pavement marking demonstration. • Emergency relief (23 U.S.C. §125). • Fencing. • Skid treatments. • Safety roadside rest areas. • Adding medians. • Truck climbing lanes outside the urbanized area. • Lighting improvements. • Widening narrow pavements or reconstructing bridges (no additional travel lanes). • Emergency truck pullovers.
MASS TRANSIT	
• Operating assistance to transit agencies. • Purchase of support vehicles. • Rehabilitation of transit vehicles.*	• Construction of small passenger shelters and information kiosks. • Reconstruction or renovation of transit

• Purchase of office, shop, and operating equipment for existing facilities. • Purchase of operating equipment for vehicles (e.g., radios, fare-boxes, lifts). • Construction or renovation of power, signal, and communications systems.	buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures). • Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way. • Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet.* • Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

AIR QUALITY

• Continuation of ride-sharing and van-pooling promotion activities at current levels.
• Bicycle and pedestrian facilities.

OTHER

Specific activities which do not involve or lead directly to construction, such as: • Planning and technical studies. • Grants for training and research programs. • Planning activities conducted pursuant to titles 23 and 49 U.S.C. • Federal old systems revisions. • Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action. • Noise attenuation.	• Emergency or hardship advance land acquisitions (23 CFR §712.204(d)). • Acquisition of scenic easements. • Plantings, landscaping, etc. • Sign removal. • Directional and informational signs. • Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities). • Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

(Note: *In PM-10 non-attainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.)